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Convention on the Elimination of All Forms of Discrimination against Women

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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined initial and second periodic reports of Nauru

Non-discrimination

1. It is indicated in the combined initial and second periodic reports of the State party (CEDAW/C/NRU/1-2) that there is no constitutional guarantee of substantive equality between men and women (para. 71).[1] Please provide information on the steps taken to establish constitutionally guaranteed equality between men and women before the law. Please provide information on the "discriminatory legislation" currently under review, clarify whether the review encompasses all discriminatory legislation and indicate the stage reached in the review (para. 47). Please provide information on the efforts made towards the adoption of comprehensive anti-discrimination legislation that includes a definition encompassing both direct and indirect discrimination in the public and private spheres (para. 72) and in all areas covered by the Convention, in line with article 1 of the Convention (indicator 5.1.1 of the Sustainable Development Goals).

Access to justice

2. It is indicated that women have equal capacity in civil matters and that there is no legislation that nullifies all contracts and instruments that limit women's legal capacity (para. 187). Please specify under which circumstances women's legal capacity may be limited in any way and indicate the steps taken to ensure women's full equal legal capacity in all situations. Please provide information on any legal aid programmes in place for women and any provisions for the reduction or waiver of court fees for women with insufficient financial means. Please describe the safeguards in place to ensure that women who are victims of gender-based violence

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined initial and second periodic reports of the State party.

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are not compelled to resort to informal settlements or other forms of alternative dispute resolution mechanisms.

National machinery for the advancement of women

3. Please provide detailed information on the Women's Affairs Department under the Ministry of Home Affairs, in particular with respect to its visibility, mandate, personnel and budget. Please also provide further information on the Nauru National Women's Policy, the Nauru Women's Plan of Action and the Nauru Gender Country Plan (paras. 38-40), including the budget allocated for their implementation. Please indicate whether the State party envisages updating the policy and the plans to include specific measures for women in particularly vulnerable situations, including women with disabilities, refugee and asylum-seeking women, women heads of household and adolescent mothers. Please elaborate on the measures and budget in place to promote gender mainstreaming across all government policies, programming and legislation. Please provide updated information on the review of development assistance focusing on gender equality and women's empowerment (para. 172).

Temporary special measures

4. It is indicated that the Constitution does not cover substantive equality and at present temporary special measures are not part of any legislation or policy (para. 81). Please indicate the steps being taken or envisaged towards introducing temporary special measures, including them in national policies and programmes and allocating adequate human, technical and financial resources for their implementation, with a view to promoting and accelerating the realization of substantive equality between women and men.

Stereotypes and practices that are harmful to women

5. It is indicated that social and cultural stereotypes are prevalent in Nauru (para. 85) and that men traditionally assert control over women in relation to their clothing, mobility and behaviour (para. 132). Furthermore, according to the Nauru Family Health and Support Study (2014), 42.6 per cent of women respondents agreed with the statement "a good wife obeys her husband even if she disagrees"; 37.2 per cent agreed that "a man should show he is the boss"; and 31.8 per cent agreed that "a wife is obligated to have sex with her husband". Please provide updated information on efforts made to address such discriminatory gender stereotypes, including through education campaigns for the public at large, targeting both men and women, and mandatory education at all levels of the school curriculum for boys and girls.

Gender-based violence against women

6. Please indicate the legislative, policy and programme measures taken to follow up on the findings of the Family Health and Support Study (2014). Please provide detailed information on how the Crimes Act (2016), repealing the Criminal Code (1899), addresses gender-based violence against women, including whether all the suggested amendments referred to in the report have been included in the new act. Please specify any measures taken to encourage victims to report incidences of gender-based violence against women. Please also provide information on training for law enforcement officials and other relevant professionals on identification of victims of gender-based violence against women and on the existing referral mechanisms. Please provide detailed information on the availability of shelters for victims of domestic violence. Please clarify whether the Safe House (Eoag 'N Ratequo) referred to in paragraph 36 is the sole shelter in the State party and

indicate whether measures have been taken or are envisaged to establish shelters suitable for long-term stay. With reference to the information provided in paragraph 37, please supply updated information on support provided to initiatives that work with men and boys to tackle gender-based violence against women. Please describe the coordination between the Domestic Violence Committee and the National Steering Committee on Domestic Violence (paras. 50-51). Please indicate whether the State party has developed a comprehensive policy on gender-based violence against women (para. 61).

7. Please provide statistical information on rape, disaggregated by the age of the victim and the relationship to the perpetrator. Please indicate whether the same punishment is imposed for rape within marriage as for rape outside marriage. Please clarify whether sexual harassment is explicitly criminalized. In the light of reports that the sexual history of rape victims has in the past been revealed during court proceedings, please provide information on legislative changes envisaged or made to prohibit such practice. Please comment on reported cases of sexual abuse, including incest, involving girls between the ages of 8 and 15 years. Please indicate whether, under the Crimes Act, all sexual offences against children have been criminalized (para. 44). Please also clarify whether, in the revision of the former Criminal Code, section 352 was amended to ensure that the abduction of girls is criminalized under all circumstances under the Crimes Act that is currently in force, irrespective of whether the girl is married or her parents have consented to her removal.

Trafficking and exploitation of prostitution

8. Please indicate whether trafficking in persons is criminalized under the Crimes Act and specify the steps taken to ensure gender sensitivity in this regard. Please provide information on the mechanisms in place to identify victims of trafficking and on preventive measures taken by the State party, especially among marginalized and disadvantaged groups of women and girls, in particular asylum seekers and refugees. Please provide updated information on efforts made to collect data, disaggregated by age and ethnicity, on women and girls who have been victims of trafficking and exploitation of prostitution. Please provide information on measures in place to address the root causes of prostitution and to provide women in prostitution with access to exit programmes.

Participation in political and public life

9. It is indicated that women are underrepresented in Parliament and that their participation in high public office is minimal (paras. 78, 79 and 105). Please provide updated information on efforts made and envisaged to introduce temporary special measures to increase women's representation and to tackle the resistance within communities (paras. 78 and 105). It is stated that favouritism and nepotism prevent women from participating in public office and that consultation with women regarding the development of new laws is very limited (para. 108). Please describe any efforts, for example policy changes, made to ensure the equal participation of women in political and public life, including through the use of temporary special measures, such as quotas. Please also provide information on measures to raise awareness of the importance of such temporary measures.

Nationality

10. Please provide information on the steps taken to bring the legislation on nationality into compliance with article 9 of the Convention, ensuring equal rights for men and women to acquire, change, retain or transfer their nationality.

Education

11. Please provide statistical data on secondary school completion rates for girls. Please indicate whether the State party envisages the introduction of age-appropriate, compulsory education on sexual and reproductive health and rights, with the particular aim of addressing the prevalence of teenage pregnancy (paras. 141, 144, 174 and 176). With reference to paragraphs 89, 98, 142 and 145, please clarify whether pregnant girls are required to leave school. Please also provide details of efforts made to support adolescent mothers in pursuing their education. With reference to paragraph 135, please provide updated information on progress made towards collecting data on sexual harassment and abuse in schools. Please provide information on safeguards in place to ensure that sexual harassment and abuse in schools are adequately investigated and perpetrators are punished under criminal law. Please indicate the steps taken to ensure that all schools are equipped with sanitary facilities for girls. Please comment on reports that refugee and asylum-seeking girls are subject to harassment, bullying and violence by Nauruan pupils, which has led to school dropout. Please provide information on measures taken to increase the number of girls pursuing non-traditional fields of study. Please indicate how teachers' compliance with the Policy Manual (2007) is monitored (para. 90).

Employment

12. Please provide information on efforts made to explicitly prohibit discrimination based on sex in the workplace and to introduce a law on equal pay for work of equal value. Please indicate any efforts made to alleviate the burden of unpaid care work on women. Please also provide information on measures taken to increase employment opportunities for women in traditionally male-dominated areas (para. 151). Furthermore, please indicate whether the State party has taken steps to explicitly criminalize sexual harassment in the workplace.

13. With reference to paragraph 41, please indicate whether the State party envisages legislative amendments that would introduce a right to maternity leave, including for women who have completed less than one year of service. Please clarify whether maternity leave is available only to women working in the public sector (para. 41). Please clarify the steps taken to ensure that a mother who has delivered a stillborn child is also entitled to a reasonable period of maternity leave (para. 88). In view of the information provided in paragraph 154, please provide updated information on efforts made with regard to: (a) protecting women from dismissal on the grounds of pregnancy; (b) introducing a breastfeeding policy that allows women to take breastfeeding breaks; and (c) allowing women with occupations that may lead to adverse pregnancy outcomes to begin maternity leave earlier. Please indicate specific measures in place to raise the awareness of men regarding the importance of sharing family responsibilities. Please also provide information on efforts made to establish available and affordable childcare facilities to allow parents to reconcile work and family life (para. 155).

Health

14. With reference to paragraphs 177 and 178, please provide updated information on women's access to safe abortion and post-abortion care. Please specify whether abortion has been legalized under the Crimes Act in cases of rape, incest, threats to the life and/or health of the mother or severe fetal impairment. Please also indicate whether the State party envisages the decriminalization of abortion in all cases. It is indicated that women do not have equal access to health-care services, including those relating to family planning (para. 178). Please provide additional information

on the obstacles faced by women in gaining access to health-care services and indicate whether steps are being taken to ensure equal access. In this regard, please also provide detailed information on access to modern forms of contraception, the associated costs and whether access is subject to age limitations or spousal consent. Please provide information on the steps taken to reform the relevant legislation such that a woman is not required to obtain her husband's consent on decisions relating to her reproductive rights (paras. 176 and 179). Please provide updated information on the planned development of a reproductive health strategy and of age-appropriate sexual and reproductive health services (para. 181).

15. According to information before the Committee, health problems, including cases of cancer, are on the rise (particularly in the Aiwo District), linked, among other factors, to emissions from the phosphate mines, and women lack access to adequate treatment for the types of cancer to which they are susceptible. Please provide information on how the State party is addressing the problem of phosphate emissions. Please also provide information on the progress made to provide health-care facilities with the equipment necessary to diagnose cancer, including breast and cervical cancer (para. 176), and to ensure adequate treatment within the State party or speedy referral to overseas medical treatment. Please provide general information on the criteria for overseas medical treatment, women's access to such treatment and data on women having obtained such treatment, as well as measures in place to ensure that women are informed about these referral possibilities (para. 175).

Climate change

16. Please provide information on community consultations regarding the reduction of the impact of climate change and the involvement of women at all levels. Please provide information on whether a gender perspective has been integrated into the country's framework for climate change adaptation and disaster risk reduction.

Disadvantaged groups of women

17. Recalling the Committee's general recommendation No. 27 (2010) on older women and the protection of their human rights, please provide information on the situation of older women, including on their access to care, health and social services (paras. 155 and 164). Furthermore, please describe any measures in place to provide support to female heads of household (para. 165).

18. Please specify the measures in place to empower women and girls with disabilities, tackle the discrimination that they experience and ensure their enjoyment of all rights under the Convention. Please also provide information on measures to ensure the accessibility of mechanisms for reporting gender-based violence against women. Furthermore, please indicate any efforts made to give women and girls with disabilities access to inclusive education, as well as to introduce temporary special measures to facilitate their access to employment and political office. Please comment on reports that women with disabilities are given contraceptives or are sterilized without their consent and indicate whether safeguards are in place to prohibit such interventions without informed consent. Please provide updated information on the status of the draft national policy on disability and how the needs of girls and women with disabilities are addressed therein (para. 62).

Asylum-seeking and refugee women

19. Please provide information on efforts made to improve the particularly dire living conditions of women refugees and asylum seekers in order to ensure that

international standards are met, including the requirement to ensure adequate conditions for nursing mothers and their babies. In this regard, please also provide information on efforts made to provide refugee and asylum-seeking women with access to adequate medical care, including during pregnancy, childbirth and the postnatal period, emergency care and mental health services. It is reported that women in the Regional Processing Centre are provided with a restricted number of sanitary pads because they are considered a fire hazard. Please elaborate on the access that women and girls have to menstrual hygiene products in the Centre. Please provide information on the situation of women refugees who are awaiting relocation abroad.

20. Please provide updated information on the efforts made to establish the mechanisms necessary for identifying, reporting, responding to and preventing sexual assault both inside and outside the Regional Processing Centre, to bring perpetrators to justice and to provide victims with redress and rehabilitation. Please also provide updated information on whether any cases of assault, including sexual assault, against refugees or asylum seekers have resulted in the trial and punishment of the perpetrator. In this connection, please also comment on reports that the police disregard complaints by refugee and asylum-seeking women or discourage them from filing complaints, and indicate the measures in place to ensure that police officers competently investigate each case reported to them. In view of reports that refugee and asylum-seeking victims of rape and other forms of assault have been threatened by perpetrators with murder if they file a report with the authorities, and that a high number of cases are not reported owing to fear of retaliation, please provide information on progress made in order to protect women victims from harassment, threats, retaliation and violence and provide them with an environment of security and trust during the pre-investigation, investigation, trial and post-trial stages. In view of reports indicating that some refugee and asylum-seeking women have been subjected to female genital mutilation, please provide information on safeguards to protect women against female genital mutilation and other harmful practices and to punish perpetrators.

Marriage and family relations

21. Please indicate whether the State party envisages legislative amendments to set the minimum age of marriage at 18 years of age (para. 190). Please also indicate whether the State party envisages legislative amendments to the Matrimonial Causes Act (1973) to bring it into full compliance with the Convention, including with regard to: (a) facilitating divorce procedures; (b) bringing the regime of property division into compliance with article 16 of the Convention (para. 194); and (c) enabling women to occupy the marital home when settlement is not possible or in cases of gender-based violence against women (para. 193). It is indicated that, under sections 10 (1) (e) and 12 of the Act, the courts are required to promote reconciliation (para. 193). Please clarify whether any safeguards are in place to ensure that women are under no circumstances compelled by law or practice to accept reconciliation.

22. Please indicate whether the State party is intending to review the Maintenance Act (1959) to bring it into full compliance with the Convention, in particular with regard to: (a) ensuring that a woman who has left her husband is entitled to maintenance in all circumstances (para. 192); (b) amending section 5 (6) with a view to expanding the conditions under which maintenance can be received to include women who have committed adultery and women with alcohol addiction (para. 192); (c) amending section 6 (5) such that a court cannot automatically rule out paternity on the basis that the mother is involved in prostitution or had sexual intercourse with another man (para. 192); and (d) providing women with equal

rights with regard to guardianship, wardship, trusteeship and adoption (para. 197). Please also indicate whether the State party envisages measures to provide de facto relationships with increased protection and recognition (para. 196).

Optional Protocol to the Convention

23. Please indicate what progress has been made towards the ratification of the Optional Protocol to the Convention.